

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

L.A.P.,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:22-CV-448-WKW
)	[WO]
NANCY BUCKNER and KIM)	
MASHEGO, in their individual and)	
official capacities,)	
)	
Defendants.)	

ORDER

Before the court is Plaintiff's motion to voluntarily dismiss the state law claim in paragraph 22 of her complaint. (Doc. # 16.) Voluntary dismissal is governed by Rule 41 of the Federal Rules of Civil Procedure, but Rule 41 is not the proper procedural basis for dismissing a single claim. *See Perry v. Schumacher Grp. of La.*, 891 F.3d 954, 956 (11th Cir. 2018) ("Rule 41(a)(1), according to its plain text, permits voluntary dismissals only of entire 'actions,' not claims.").

The proper procedural avenue for achieving her objective is for Plaintiff to file an amended complaint under Rule 15. Plaintiff previously was ordered to file an amended complaint on or before **January 30, 2023**. (Doc. # 15.) Plaintiff has not yet filed the amended complaint. If she chooses to do so, Plaintiff may remove the paragraph 22 claim from her amended complaint. Plaintiff is reminded that her

failure to file an amended complaint by today's deadline will result in dismissal of her lawsuit. (Doc. # 15.)

DONE this 30th day of January, 2023.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE